IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1619 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/07/2004 in WP NO : 12703 OF 1994 on the file of the High Court.)

Between:

S.Shyam Sundar Rao S/o. Late Sri S.Srinivas Rao
Defence Lab Schools and Jr.College Kanchanbagh, Hyderabad.

..... APPELLANT

AND

1.The Management Committee of Defence Laboratories Schools,

represented by its Secretary, Kanchanbagh
Hyderabad.
2.The Secretary Ministry of Defence, B Wing Sena Bhavan, New Delhi.
3.The Director General, Defence Research and Development

Organisation (DRDO) B Wing Sena Bhavan, New Delhi.
4.The Director, Defence Research and Development Laboratories

(DRDO), Chandrayanagutta, Hyderabad.
5.The Director, Defence Electronics Research Laboratories (DLRL),

Chandrayanagutta, Hyderabad.
6.The Director, Defence Metallurgical Research Laboratories (DMRL),

Kanchanbagh, Hyderabad.
7.The Chairman, DLS Management Committee Kanchanbagh,

Hyderabad.
8. Defence Lab Schools Educational Society, rep by its Secretary

Kanchanbagh, Hyderabad.
9. M.Parvateeswar Rao S/o. M.Subrahmanyam
Defence Lab Schools and Jr.College, Kanchanbagh

Hyderabad. (Not necessary party to this petition)

...RESPONDENTS

Counsel for the Appellant:MR.B.CHANDRASEN REDDY

Counsel for the Respondent No.1,7 and 8: MR.M.R.K.CHOWDARY

Counsel for the Respondents 2 to 6: Mr. A. Rajasekhar Reddy, (Standing Counsel for Central Govt.)

The Court made the following :

JUDGMENT: (Per Hon'ble Sri Justice G.Raghuram)

The unsuccessful 2nd petitioner in W.P.No.12703 of 1994 filed this appeal against the order of the learned Single Judge, dated 2-7-2004 dismissing the Writ Petition.

The appellant was employed temporarily as a Post Graduate Teacher in the Defence Laboratory Schools, run by the Defence Laboratory in Kanchanbagh, Hyderabad. He was terminated from service by the order dated 11-5-1994. He along with another similarly situated Post Graduate Teachers assailed the termination order in W.P.No. 12703 of 1994. The learned Single Judge, dismissed the Writ Petition on the ground that the petitioner was appointed temporarily in a temporary post with a categorical indication in the order of appointment that the Managing Committee reserves its right to modify the orders of the appointment, depending upon the finances and other circumstances of the School. It is also a condition incorporated in the appointment order that the appointment could be terminated by either the management or the petitioner on a month's notice or pay in lieu of notice, and thus there was no legal right enabling interminable continuance in service. The Writ Petition No. 12703 of 1994 was therefore dismissed. However, liberty was granted to the petitioner to make a representation to the management for continuance in service.

The petitioner made a representation, which was however rejected by the order dated 28-9-2004 on the ground that there being a drastic drop in the strength of students in the 2nd year Intermediate Course, there was no work load justifying continuance of the petitioner in service. The self same grounds as have unsuccessfully been urged before the learned Single Judge are reiterated in this appeal.

We find no merit in the appeal and no infirmity in the order of the learned Single Judge rejecting Writ Petition, as no legal right of the petitioner is made out for continuance or regularization of service. The petitioner would like to make a representation to the 1st respondent management for reconsidering the decision dated 28-9-2004 terminating his service.

Sri N.Ram Mohan Rao, learned counsel appearing for the respondents states that if such a representation is made, the same would be appropriately considered by the 1st respondent management.

Recording the said submission, the petitioner is afforded a liberty to submit a representation to the 1st respondent management to reconsider the order dated 28-9-2004.

The appeal is dismissed with the said observations at the stage of admission. No order as to costs.

J. CHELAMESWAR,J

GODA RAGHURAM, J.

14th October, 2004.

KM/PGS

DEPUTY REGISTRAR

//**True Copy**//

Section Officer

To

1.The Management Committee of Defence Laboratories Schools,

represented by its Secretary, Kanchanbagh

Hyderabad.
2.The Secretary Ministry of Defence, B Wing Sena Bhavan, New Delhi.
3.The Director General, Defence Research and Development

Organisation (DRDO) B Wing Sena Bhavan, New Delhi.
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Hyderabad.
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Kanchanbagh, Hyderabad.
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THE HONOURABLE SRI JUSTICE J. CHELAMESWAR

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THE HONOURABLE SRI JUSTICE GODA RAGHURAM

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W.A.No. 1619 OF 2004

14th October, 2004.